



Attorney's Docket No. P-0693.104 (035784/258145)

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PATENT #11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Maiorella *et al.*
Appl. No.: 09/867,948
Filed: May 30, 2001
For: METHOD OF INCREASING PRODUCT EXPRESSION THROUGH SOLUTE STRESS

Confirmation No.: 9747
Group Art Unit: 1653
Examiner: Samuel W. Liu

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR §1.78(a)(3) TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION

Applicants hereby petition to accept an unintentionally delayed claim for the benefit of a prior-filed application. The following is enclosed as required under 37 CFR §1.78(a)(3)(i), (ii), and (iii), as well as by the MPEP §201.11 III. F.:

1. The reference required by 35 USC §120:

This application is a continuation of U.S. Ser. No. 08/482,421, filed June 7, 1995, now U.S. Patent No. 6,238,891, which is a continuation of U.S. Ser. No. 07/841,906, filed Feb. 26, 1992, now abandoned, which is a continuation of U.S. Ser. No. 07/443,445, filed Nov. 29, 1989, now abandoned, which is a continuation in part of U.S. Ser. No. 07/122,015, filed Nov. 18, 1987, now abandoned.

2. A check in the amount of \$1300.00 in payment of the petition fee as set forth in 37 CFR §1.17(t).

3. A statement as required under this section.

4. An amendment to the specification incorporating the reference required under 35 USC §120 has been included herewith, as required MPEP § 201.11 III. F.

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OFFICE OF PETITIONS



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**STATEMENT IN SUPPORT OF PETITION UNDER 37 CFR §1.78(a)(3) TO
ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR THE
BENEFIT OF A PRIOR-FILED APPLICATION**

Sir:

I, Lisa E. Alexander, am an attorney of record in United States Application No. 09/867,948 (the '948 application). I hereby state that the claim for the benefit of a prior-filed application required by 35 USC §120 is incomplete as presented in the above-referenced application. The entire delay between the date the claim was due under 37 CFR §1.78(a)(2)(ii) and the date the claim was filed was unintentional.

As Applicants' representative, I filed the '948 application with the United States Patent and Trademark Office as a continuation application under 37 CFR §1.53(b), claiming the benefit of copending United States Application No. 08/482,421 (the '421 application), now United States Patent No. 6,238,891 (the '891 patent). The '948 application was filed as a true copy of United States Application No. 07/443,445 (the '445 application) along with a preliminary amendment deleting claims 7-38 and a copy of the inventors' Declaration for the '445 application. Through inadvertence, the specification was not amended to reflect the entire chain of priority, which chain of priority appears on the face of the intervening '891 patent.

Respectfully submitted,

Lisa E. Alexander
Registration No. 41,576

Date: 7/18/03

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 23, 2003.

Pamela Lockley

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As indicated above, a check in the amount of \$1300.00 in payment of the petition fee as set forth in 37 CFR §1.17(t) is enclosed herewith. Any additional fee may be charged or any overpayment credited to our Deposit Account No. 16-0605.

Respectfully submitted,



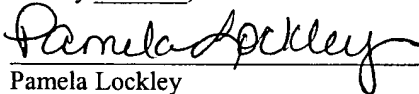
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Pamela Lockley